IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.MC.No. 4072 of 2006()

CRIME NO.496 OF 2006 OF NEYYATTINKARA POLICE STATION

.....

PETITIONER/ACCUSED NO.64:

ANIL RAJ, S/O.SIMON,
S.M.NIVAS, CHARALKALLUVILA,
MANALOOR, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4072 of 2006

Dated this the 19th day of December 2006

O R D E R

The petitioner is accused No.4 in a crime registered under Sections 4 and 5 of Explosive Substance Act. The petitioner unsuccessfully knocked at the door of the Sessions Court and this Court for grant of anticipatory bail. The petitions were dismissed but it was observed in the order passed by this court (a copy of which is produced as Annexure B) that the petitioner's application for regular bail, if filed within one week of the date of the order, that is 22/11/2006 shall be considered and disposed of preferably on the same date on which it is filed. The petitioner could not appear before the learned Magistrate within a period of seven days and it is in these circumstances that the petitioner has come to this court now for extension of the period of seven days and for permission to surrender on any date to be specified by this court.

2. The petitioner shall be at liberty to appear before the learned Magistrate on any date and if the petitioner surrenders before the learned Magistrate, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the

learned Magistrate must make every endeavour to dispose of the bail application on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court has to dispose of such a bail application filed by an accused who surrenders before it with expedition. Unless satisfactory reasons are there, such application must be disposed of on the date of surrender itself. The obligation to dispose of the bail application expeditiously does not depend solely on any particular order or direction passed by the superior court.

3. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless compelling and exceptional reasons are there.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006